

SPECIAL PERMIT APPLICATION PACKET
EASTON, CONNECTICUT
Effective 8/05/2019
Updated 4/01/2021

Dear Applicant:

This Special Permit Application Packet has been compiled to help you, the applicant, comply with the Zoning Regulations and obtain a timely decision on your proposal.

In Easton, a special permit application is expedited through the Planning and Zoning Commission. State Statutes realize that a public hearing will be held with sixty-five (65) days following official receipt of the application. At the close of the hearing the Commission will have sixty-five (65) days to render a decision on the application.

Because of the increasing demands on Commission and staff time, the stated process must be adhered to strictly. The Commission can no longer accept additional supporting data from the applicant after the application has been accepted. You will receive a decision on the application based on the initial record you submit with the application. Upon request you may obtain a copy of department comments prior to the public hearing.

If the application is believed to be deficient for any reason, e.g., incomplete application form, failure to provide notices for adjacent property owners, omitted site plan data, it may be denied by the Commission. Upon written request the applicant may obtain an extension of each period in the process equal to the original time period.

The enclosed items are designed to act as a detailed resource for your use throughout the application process. The packet includes the required forms and checklists as required by the Planning and Zoning Commission. If you have additional questions after reading this packet, the Commission staff is available to help you. You may call the Commission staff at 203-268-6291 or e-mail as per Town web-site at eastonct.gov.

Required Items

1. Fee: This application must be submitted with a fee a set by ordinance.
2. Application: To avoid delays and/or possible denial this application must be completed in its entirety.
3. Plan Maps: Ten copies of all required plan maps as required by the Planning and Zoning Commission, as well as a digital pdf.
4. Documents: Ten copies of all other documents as required by the Planning and Zoning Commission.
5. Proof of Legal Notice: Proof of notice of Public Hearing to adjacent property owners to be submitted at Public Hearing in the form of certified letter receipt.

SPECIAL PERMIT APPLICATION PROCESS

A. APPLICATION

1. Submission
Applications must be submitted to the Planning and Zoning Commission office in The Easton Town Hall during regular business hours, 10:30am to 3:00pm Tuesday through Friday and Monday afternoons by appointment.
2. Review for Completion
The application will be reviewed for completion by the Commission staff upon receipt. The Commission staff will notify the applicant whether the application is complete in accordance with the Zoning Regulations.
3. If it is determined that an Inland Wetland Permit is required the applicant should begin that process simultaneously with the submission to Planning and Zoning. A required Inland Wetland Permit must be obtained prior to approval of the subdivision application.

B. REVIEW

1. After the application has been received the Commission has sixty-five (65) days in which to hold the public hearing. During this time the application is reviewed by Commission staff, Town departments, and adjoining towns and Regional Planning Agencies, as required.
2. Revisions and Corrections to Application
An accepted application must be completed, including revisions and opportunity to inspect the proposal prior to the Public Hearing.
3. Comments and Extensions
The applicant may obtain a copy of review comments prior to the public hearing upon request at the Commission office. Also, the sixty-five (65) day time period in which to hold a public hearing after application receipt may be extended by the applicant up to an additional sixty-five (65) days.

C. NOTICE OF PUBLIC HEARING

1. Notice to surrounding Property Owners
The applicant must provide the Commission with addressed envelopes and certified receipts for each of the owners of property within 250 feet of any portion of the lot on which the proposed special permit is located and a check for the appropriate postage should be submitted at time of application.
2. The Planning and Zoning Commission is responsible for publication of the legal notice in the newspaper, and for notification of any other parties, as required.

D. PUBLIC HEARING

1. Applicant Responsibilities
The applicant is required to give a formal presentation of the proposal at the beginning of application consideration at the public hearing.

D. PUBLIC HEARING (continued)

2. If an Inland Wetland Permit is required, the granted permit along with any attached condition must be entered into the records. If a decision on the Inland Wetland Permit has not been made, an extension of up to thirty-five (35) days may be granted by the Planning and Zoning Commission.
3. The Commission will note for the record all comments received from the public including departments, agencies and outside consultants regarding the application.
4. **Deadline and Extension**
The public hearing must be completed within thirty (30) days. If it is reconvened, proper public notice must be published. The applicant may extend the time for a public hearing for an additional thirty (30) days.

E. DECISION

1. **Approval and Approval with Modifications**
If the plan is approved, or approved with modifications, several conditions must be met:
 - a. A final plan, complete with all modifications, must be signed by the Planning and Zoning Commission Chairman.
 - b. Endorsements must be obtained from all other agencies, as required, e.g., Health Department, ConnDOT, Water Pollution Control Authority.
 - c. Bond must be posted by the applicant, if needed (see G. BOND).
 - d. The final plan must be filed with the Town Clerk and Town land records within 30 days after the time for taking appeal has expired. The Commission must endorse the map prior to filing.
2. **Disapproval**
If the plan is disapproved, the Commission must state the reasons for disapproval in the minutes of the meeting.
3. **Notice**
Notice of the decision will be published in the newspaper within fifteen (15) days of the decision date. In addition, the applicant will be notified of the decision by certified letter.
4. **Deadline and Extension**
A decision on the application must be made within sixty-five (65) days of the close of the public hearing. An extension of the decision period for an additional sixty-five (65) days may be granted. Also, if an Inland Wetland Permit is required an extension of up to thirty-five (35) days may be requested.

F. APPEAL

The applicant and other aggrieved parties may appeal the decision to the Superior Court within Fifteen (15) days of publication of the decision.

G. BOND

1. Amount Set

A bond may be required by the Commission to insure completion of the project. The amount of the bond will be fixed by the Town Engineer.

2. Form of bond

A cash bond or bond with surety, in a form satisfactory to the Commission, if required by the Commission, will be posted within sixty-five (65) days of the close of the public hearing unless the time to file the application is extended.

3. The bond will be released upon certification by the First Selectman on completion of all public utilities and streets and all improvements in substantial accordance with the subdivision plan. The site shall be inspected by the Zoning Enforcement Officer and the Town Engineer and any other Town official, as required, prior to endorsement by the First Selectman.

SPECIAL PERMIT APPLICATION

Planning & Zoning Commission
Easton, Connecticut 06612

Application Number _____

Location of Property – Street & Number _____

Assessor's Map No. _____

Parcel No. _____

Applicant _____ Owner _____

Address _____ Address _____
(forward notice)

Engineer _____ Surveyor _____

Type of Sewage Disposal _____ Type of Water Supply _____

Zoning District _____

Number of Feet of New Road Construction (if required) _____

Wetland: Does this application require a permit from the Inland Wetlands Agency: Yes / NO

Notice: If a wetland permit is required, this application will not be acted upon until the wetland permit is obtained.

This applicant understands that this application is to be considered complete only when all information and maps are submitted in accordance with Section **8400** of the Zoning Regulations of the Town of Easton, Connecticut. Failure to submit a complete application and maps may result in denial of the application by the Commission.

Signature of Record Owner _____ Telephone _____

Signature of Applicant _____ Telephone _____

Application and Documents Submitted: Date: _____

By: _____
For the Commission

SPECIAL PERMIT PLAN CHECKLIST

Location of existing and proposed :

Buildings

Uses

Parking Areas

Traffic access and circulation drives

Open spaces

Landscaping

Topography (including regraded contours)

Leaching fields and Sewage disposal system

Signs

Exterior lighting

Special Features

Information about neighboring properties

8400 SPECIAL PERMIT APPLICATION

8410 Applicability

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
2. All Special Permit uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case.

8420 Submission Requirements

1. A Special Permit application submitted to the Commission or agent shall include a completed application form and the appropriate fee.
2. Each application for a Special Permit shall be accompanied by detailed plans unless the Commission or its designee finds that there are no physical changes proposed to the site or any building or structure and the submission of detailed plans is not necessary for the Commission to evaluate the proposal (ten printed sets and one electronic PDF set).
3. Each application for a Special Permit shall be accompanied by a written statement describing the proposed use in sufficient detail to permit the Commission to determine whether the proposed use complies with these Regulations (ten printed sets and one electronic PDF set).
4. The Commission shall not be required to hear an application relating to the same request or substantially the same request, more than twice in a twelve-month period.
5. Notwithstanding the basic submission requirements, the Commission may require the submission of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.

1. The date of receipt of the Special Permit application shall be determined in accordance with Section 8820.
2. An incomplete Special Permit application may be denied in accordance with Section 8830.
3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. The Commission shall hold a public hearing on the Special Permit application and publish a legal notice in accordance with the requirements of Section 8861 of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8862.
6. Notification to water companies may be required in accordance with the requirements of Section 8863.
7. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8864.
8. The Commission shall process the Special Permit application within the period of time provided under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
 - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

8440 SPECIAL PERMIT CRITERIA

In considering an application for a Special Permit, the Commission shall evaluate the application with respect to the following factors, except that the Commission may determine that some factors may not be applicable to certain types of applications.

1. Zoning Purposes

Whether the proposed use or activity is consistent with the purposes of these Zoning Regulations.

2. Environmental Protection and Conservation

Whether the use or activity will materially impair the natural environment of the nearby area or the community and whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

3. Overall Compatibility

Whether the proposed use will serve a community need or convenience and whether the proposed use will have a detrimental effect on neighboring properties or the development of the district.

4. Suitable Location For Use

Whether the nature, scope, size and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located.

5. Appropriate Improvements

Whether the design elements of the proposed development (such as location, type, size and height of buildings and other structures, parking, access, landscaping, screening, lighting, signage, etc.) will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future character of the neighborhood in which the use is located.

8440 SPECIAL PERMIT CRITERIA

6. Suitable Transportation Conditions

Whether the streets, driveways and other travelways are or will be of such size, condition and capacity (width, grade, alignment, sight lines, and visibility) to adequately accommodate the traffic volume and parking demand to be generated by the particular proposed use and not create problems.

7. Adequate Public Utilities and Services

Whether the provisions for water supply, sewage disposal, waste management, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.

8. Long Term Viability

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9. Nuisance Avoidance

Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area and whether the proposed activities will unreasonably disturb the peace and tranquility of nearby properties.

10. Plan of Conservation and Development

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

11. Mitigation

Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

8450 Decision Considerations

1. Special Permit uses are declared to possess such special characteristics that each shall be considered on an individual basis subject to the standards and requirements of these Regulations.
2. The applicant shall bear the burden of demonstrating that the applicable Special Permit criteria in Section 8440 of these Regulations are addressed.
3. Before the Commission approves a Special Permit application, it shall determine that the application:
 - a. Has satisfied the applicable Special Permit criteria in Section 8440 of these Regulations, and
 - b. Is in conformance with other applicable provisions of these Regulations, and
 - c. Is in harmony with the purposes and intent of these Regulations.
4. For a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
 - b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.
5. On a Special Permit application involving notice to adjoining municipalities under Section 8862 or notice to water companies under Section 8863 or notice to DEEP under Section 8864, the Commission shall give due consideration to any report or testimony received.
6. In accordance with CGS Section 8-25a, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m.
7. In granting a Special Permit, the Commission may determine whether and to what extent permitted uses may be undertaken and stipulate such conditions as are reasonable and necessary to:
 - a. Protect or promote the public health, safety or welfare;
 - b. Protect or promote public convenience or property values; or
 - c. Enhance overall neighborhood compatibility.
8. A Special Permit and any condition attached to the granting of a Special Permit shall:
 - a. Remain with the property as long as the Special Permit use is in operation, and
 - b. Continue in force and effect regardless of any change in ownership of the property.
9. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

8460 Action Documentation

1. The Planning and Zoning Commission shall approve, disapprove or approve with conditions the proposed Special Permit.
2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
3. In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:
 - a. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith.
 - b. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
 - c. A performance guarantee in accordance with the provisions of Section 8870.
4. Whenever it acts on a Special Permit application, the Commission may:
 - a. Establish a condition that commencement of the use or construction begin within a certain time frame.
 - b. Require a performance guarantee in accordance with Section 8870 of these Regulations in an amount and in a form satisfactory to the Commission, based upon a cost estimate of improvements provided by the applicant, to ensure satisfactory completion of site improvements other than buildings.
5. Any decision to grant a Special Permit shall:
 - a. State the name of the owner of record,
 - b. Contain a description of the premises to which it relates,
 - c. Identify the Section of the Regulations under which the Special Permit was granted,
 - d. Specify the nature of the Special Permit, and
 - e. State the conditions of approval, if any.
6. Within 15 days of the approval of a Special Permit, the Commission shall file with the Building Inspector and Zoning Enforcement Officer one print of the approved plans, with the approval noted thereon, and a copy of the Commission's resolution including any conditions pertaining to the approval.
7. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.
8. The Commission shall cause notice of the approval or denial of the Special Permit application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Easton or on the Town website if permissible by law.
9. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

8470 Following Approval

1. A Special Permit granted by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
 - a. A Special Permit shall expire if the Special Permit approval is not filed in the Town of Easton's land records within one (1) year after approval.
 - b. A Special Permit shall expire if the detailed plans associated therewith are not submitted and approved within one (1) year following approval of the Special Permit. However, an extension of not more than six months may be granted by the Commission upon written request by the applicant prior to the expiration date.
2. Following approval of a Special Permit application, one (1) "mylar" of each approved plan shall, unless not required by the Commission, be submitted to the Zoning Enforcement Officer for signature by the Chairman and:
 - a. Each such plan shall bear the seal and signature of the professional(s) which prepared the drawing.
 - b. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission.
 - c. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity.
3. Any plans to be filed in the Town Clerk's Office shall be accompanied by an electronic file of the map in ACAD format that can be opened with ACAD 2016 or earlier.
4. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
5. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations. The Zoning Enforcement Officer or the Commission shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.
6. An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application:
 - a. Amendments to the Special Permit which the Commission finds to be minor in nature, do not substantially alter the Special Permit, and will not adversely affect adjacent properties or the neighborhood, may be approved by the Commission without another public hearing.
 - b. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use may be approved by the Commission only after a public hearing and subject to the same procedures for approval of a Special Permit.
7. The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when the Special Permit is granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations.
8. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit has not been abandoned. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

Watershed or Aquifer Area Project Notification Form

REQUIREMENT:

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project by providing the following information.

To determine if your project falls within a public water supply aquifer or watershed area visit the appropriate town hall and look at their *Public Drinking Water Source Protection Areas* map. If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the following information.

Note: You will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the appropriate town hall to complete this form.

APPLICATION
FOR
DETERMINATION OF WETLAND IMPACT

Note: Connecticut General Statutes require that the applicant for a project which involves land regulated as wetland or watercourse shall submit an application to the Town Inland Wetlands & Watercourses Agency, not later than the date of submission of the Zoning application to the Planning and Zoning Commission, to determine the impact of the proposed activity on wetlands and watercourses on or adjacent to the property.

To: Inland Wetlands & Watercourses Agency,
Town of Easton Conservation Commission

Date:

Location of Property:

Owner(s) of Record: (Name)

(Address)

(Telephone//E-MAIL)

Applicant(s): (Name)
(Address)

(Telephone/FAX/E-MAIL)

Title of Zoning Project (Application Must Include Application Form and

Drawings of the Proposed Plans

A written statement from the Conservation Commission (IWWC) regarding potential wetland/watercourse impacts and the applicability of the Inland Wetlands & Watercourses Regulations to the proposed development must be submitted to the Planning and Zoning Commission for the zoning application to be considered complete.

November 30, 2020

Christine Halloran
Town Clerk-Town of Easton
225 Center Road
Easton, Ct. 06612

Dear Ms. Halloran:

This letter is to inform you that the Planning and Zoning Commission of the Town of Easton at its regular meeting of November 30, 2020 adopted the following calendar for its regularly scheduled meetings for the year 2021. Meetings were scheduled for the **second and fourth Mondays of the month, at 7:00 p.m.**, except as noted below. All meetings will be in Conference Room A of the Easton Town Hall unless over-capacity attendance is anticipated, in which case the alternative location will be posted at the Town Hall.

Jan. 11, 2021*

Jan. 25,
Feb. 8,
Feb. 22,
Mar. 8,
Mar. 22,
Apr. 12,*
Apr. 26,
May 10,
May 24, (May 31st is Memorial Day)
June 14,
June 28,

July 12, 2021*

July 26,
Aug 9,
Aug. 23,
Sept. 13, (September 6th is Labor Day)
Sept. 27,
Oct. 18, (October 11th is Columbus Day)*
Oct. 25,
Nov. 8, (11/11 is Veterans' Day which is on Thurs.)
Nov. 22, (11/26 is Thanksgiving)
Dec. 13,
Dec. 20, (December 25th is Christmas)

*** The above noted meetings are reserved for the Commission's discussion of Planning issues. Applications and other routine matters will not be scheduled for these meetings unless an emergency or legal deadline for decision intervenes.**

If this schedule changes for any reason you will be given the proper notice within the given time period as in compliance with the Freedom of Information Act.

Thank you for your kindness in posting this information.

Very truly yours,
PLANNING AND ZONING COMMISSION

Robert Maquat, Chairman
RM/ma

cc: Selectmen, Town Engineer, Commission members, Receptionist, LUD, ZEO, daybook